

CONFIDENTIAL

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To: Mail Stop Petitions
Commissioner for Patents

From: Bruce Grant
Registration No. 47,608

Fax: (703) 872-9306

Date: December 6, 2004

Phone:

Pages: 26 (including cover page)

Re: Appln. No. 10/608,296

CC:

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply

Comments:

Please process this Petition to Withdraw Holding of Abandonment and accompanying documents.
This filing includes the following papers:

1. Transmittal Form and Certificate of Transmission (1 page)
2. Fee Transmittal (1 page, 1 page duplicate)
3. PTO-2038 (1 page)
4. Petition to Withdraw Holding of Abandonment (3 pages)
5. Exhibit A (6 pages)
6. Copy of Notice of Missing Parts (2 pages)
7. Declaration For Patent Application (5 pages)
8. Power of Attorney and 37 CFR 3.73(b) Statement (2 pages)
9. Copy of Assignment document (3 pages)

Respectfully submitted,

Bruce Grant
Registration No. 47,608

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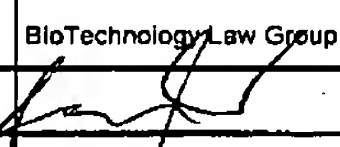
PTO/SB/21 (09-04)

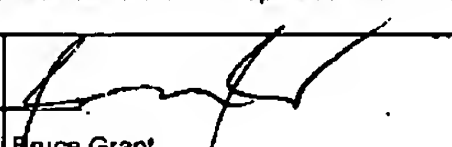
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/608,296
	Filing Date	27 June 2003
	First Named Inventor	Gail I. ADAM
	Art Unit	To be assigned
	Examiner Name	To be assigned
Total Number of Pages in This Submission	Attorney Docket Number	SEQ-4031-UT

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	PTO-2038
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	Exhibit A
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	Copy of Notice of Missing Parts
<input checked="" type="checkbox"/> Reply to Missing Parts/Incomplete Application	Remarks	Declaration for Patent Application
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		37 CFR 3.73(b) statement
		Copy of Assignment

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	BioTechnology Law Group	
Signature		
Printed name	Bruce Grant	
Date	07 DECEMBER 2004	Reg. No. 47,608

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature		
Typed or printed name	Bruce Grant	Date 07 DEC 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-04v2)

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FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$) 65.00**Complete if Known**

Application Number	10/608,296
Filing Date	27 JUNE 2003
First Named Inventor	Gail I. ADAM
Examiner Name	To be assigned
Art Unit	To be assigned
Attorney Docket No.	CEP-4231-UT

METHOD OF PAYMENT (check all that apply)☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	180	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		-20** =		X		=	
Independent Claims		-3** =		X		=	
Multiple Dependent						=	

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	88	2201	44	Independent claims in excess of 3	
1203	300	2203	150	Multiple dependent claim, if not paid	
1204	88	2204	44	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$)

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	65
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2262	215	Extension for reply within second month	
1253	980	2263	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to Institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 65.00**SUBMITTED BY**

Name (Print/Type)	Bruce Grant	Registration No. (Attorney/Agent)	47,608	Telephone	858-623-9470
Signature		Date	07 DEC 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-04v2)

Approved for use through 07/31/2008. OMB 0851-0032

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**FEE TRANSMITTAL
for FY 2005**

Effective 10/01/2004. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$) 65.00**Complete if Known**

Application Number	10/608,296
Filing Date	27 JUNE 2003
First Named Inventor	GAIL I. ADAM
Examiner Name	To be assigned
Art Unit	To be assigned
Attorney Docket No.	CEQ-4231-UT

METHOD OF PAYMENT (check all that apply)☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 790	2001 395	Utility filing fee	
1002 350	2002 175	Design filing fee	
1003 550	2003 275	Plant filing fee	
1004 790	2004 395	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$) 65.00**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 88	2201 44	Independent claims in excess of 3
1203 300	2203 150	Multiple dependent claim, if not paid
1204 88	2204 44	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	65
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
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1251 110	2251 55	Extension for reply within first month	
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1402 340	2402 170	Filing a brief in support of an appeal	
1403 300	2403 150	Request for oral hearing	
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1452 110	2452 55	Petition to revive - unavoidable	
1453 1,370	2453 685	Petition to revive - unintentional	
1501 1,370	2501 685	Utility issue fee (or reissue)	
1502 480	2502 245	Design issue fee	
1503 880	2503 330	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
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1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 65.00**SUBMITTED BY**

Name (Print/Type)	Bruce Grant	Registration No. (Attorney/Agent)	47,608	Telephone	858-623-9470
Signature		Date	07 DEC 2004		

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Attorney Docket No.: SEQ-4031-UT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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DEC 07 2004

Applicant(s): Gail I. ADAM and Maria L. LANGDOWN

Application No.: 10/608,296

Filed: 27 June 2003

Title: DIAGNOSING PREDISPOSITION OF FAT
DEPOSITION AND ASSOCIATED
CONDITIONS

Examiner: To Be Assigned

Group Art Unit: To Be Assigned

Attorney Docket No.: SEQ-4031-UT

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 C.F.R. § 1.181(a)Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This petition is in response to a Notice of Abandonment issued by the Office on October 21, 2004 for failure to reply to a Notice to File Missing Parts mailed on September 24, 2003.

Applicants respectfully request that the Office withdraw the holding of abandonment as the Notice to File Missing Parts never was received, as described in further detail hereafter.

12/08/2004 BBONNER 00000003 10608296

01 FC:2051

65.00 0P

Attorney Docket No.: SEQ-4031-UT

REMARKS

The Applicants respectfully request that the Office withdraw the holding of abandonment under 37 C.F.R. § 1.181(a) on the basis that the outstanding Notice to File Missing Parts was not received in time to file a response within the statutory period.

The Notice to File Missing Parts was not received by the Applicants' former representatives and a search of the file jacket and docketing records indicated that the Notice to File Missing Parts never was received. As evidence of non-receipt, attached as Exhibit A is a copy of the docket record for November 24, 2003, where the shortened statutory deadline for filing a response to the Notice to File Missing Parts would have been present had it been received. Thus, the Notice to File Missing Parts never was received from the Office and Applicants respectfully request that the Office withdraw the holding of abandonment.

This Petition is timely filed as it is submitted within two-months from the date the Notice of Abandonment was mailed by the Office.

Applicants file herewith a duly executed Declaration and surcharge fee of \$65.00 to fulfill the requirements of the Notice to File Missing Parts for the purpose of expediting prosecution. Also filed herewith is a Power of Attorney and Statement under 37 CFR 3.73(b) with a copy of an Assignment.

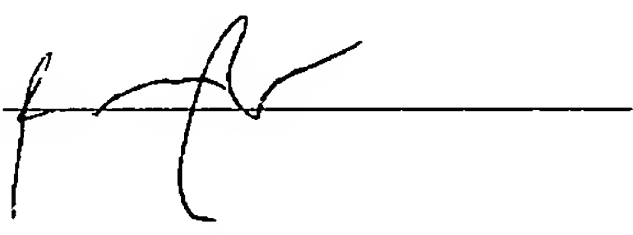
Attorney Docket No.: SEQ-4031-UT

It is believed that no fees are due in connection with this submission other than the surcharge fee with the Notice to File Missing Parts. If the Office, however, determines that an extension and/or other relief is required, Applicant requests that the Office contact the undersigned immediately at (858) 623-9470.

I hereby certify that this correspondence is being transmitted to the USPTO via facsimile at (703) 872-9306.

Date of Deposit: December 7, 2004

Typed Name: Bruce D. Grant

Signature: 

Respectfully submitted,

By 

Bruce D. Grant
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658 Marsolan Avenue
Solana Beach, California 92075
Telephone No.: 858 623-9470
Facsimile No.: 858 623-9476

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